

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

REMOVE YOUR CONTENT, LLC

Plaintiff,

v.

MARK BOCHRA,

Defendant

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CIVIL ACTION NO. 3:09-cv-393

**DEFENDANT'S STATEMENT REGARDING JOINT PRETRIAL MATERIALS**

TO THE HONORABLE JUDGE OF SAID COURT:

NOW COMES the Defendant, Mark Bochra and file his statements related to the Scheduling Order (Doc. # 13) and failure for Plaintiff's attorneys to Jointly submit a Joint Pretrial Material and Order, and would show the Court the following in support:

**I. Relevant Dates and Background**

1.1 The parties were ordered to jointly file all pretrial materials by June 19, 2010.<sup>1</sup>

1.2 The Court ordered that all pretrial management are referred to the honorable Judge Paul D. Stickney.<sup>2</sup>

1.3 Plaintiff's counsels have failed to contact the Defendant regarding the pretrial materials and disclosures on or before June 19, 2010. Furthermore, Plaintiff's counsels have failed to submit any pretrial materials on or before June 19, 2010.

1.4 On June 21, 2010. Defendant received an e-mail from Ms. Sacco, Plaintiff's Counsel, urging and demanding the Defendant to submit his version of contentions and list of exhibits and objection by June 21, 2010 for Plaintiff's Counsels to file it with the Court.

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<sup>1</sup> See Document 13, Scheduling Order.

<sup>2</sup> See Document 23, Referencing for Pretrial Management.

1.5 Defendant through an e-mail requested for a one (1) week time frame to be able to write his own version of exhibits list, objections, and contentions.<sup>3</sup> However, Plaintiff's counsels have disregarded Defendant's request and filed their version of Pretrial Materials on June 21, 2010. Further, Plaintiff's counsel e-mailed the Pretrial Order to the honorable Judge Reed O'Connor (o'connor\_orders@txnd.uscourts.gov) and attached Defendant's e-mail to the e-mail. Plaintiff's counsel failed to Jointly file the Pretrial Materials and Order with the Defendant. Furthermore, Plaintiff's counsel's, Ms Sacco, wrongfully stated in part in her filed Plaintiff's Exhibit List<sup>4</sup> that Defendant "opposed to all exhibits which was not correct." However, through e-mail contact, Ms Sacco stated that she did not mean to do so: "If you think that I have misstated your position, then you can address that in your objections to the exhibits, as that was certainly not my intention and I am sure you know that "

1.6 Defendant is not aware whether the following events, failure to jointly file the pretrial materials and order was intentionally intended by Plaintiff's counsel or not.

## **II. Defendant's Pretrial Materials**

2.1 For the foregoing reasons, Defendant respectfully wanted to show the honorable court that Mark did not intend to violate any of the schedule order, did not refuse to participate in the joint pretrial materials. Mark simply needed a limited time (a week) in order to write and file his pretrial materials, objections, and order, however, Ms. Sacco disregarded Defendant's request and filed her own version of pretrial materials, and order. Defendant will respectfully file his version of exhibits list, pretrial order within a week from June 21, 2010.

Dated: June 21, 2010.

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<sup>3</sup> See Exhibit 1, e-mail conversations between Ms Sacco and Mark Bochra.

<sup>4</sup> See Document 26, Plaintiff's Exhibit List.

**CERTIFICATE OF SERVICE**

I hereby certify that on June 21, 2010, I electronically filed the foregoing document with the Clerk of Court for the U. S. District Court, Northern District of Texas, using the electronic case filing system of the Court. The electronic case filing system sent a "Notice of Electronic Filing" to the following attorneys of record who have consented in writing to accept this Notice as service of this document by electronic means:

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**ATTORNEYS FOR PLAINTIFF**

\s\ Mark M. Bochra.  
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